

· Express Mail: EV 630723785 US
Preliminary Amendment A
Appl. No. TBA
April 26, 2006

Remarks

Applicants request consideration on the merits of the above-referenced patent application.

All citations in this amendment to Applicants' specification refer to the published parent International Publication No. WO 2005/041950.

I. Amendments to specification

The amendments to the specification are shown on pages 2-5. Applicants submit that none of the amendments introduce new matter. More specifically:

The title has been amended to remove the word "title" and the period. Applicants submit that these amendments are permissible under MPEP §2163.07.

In accordance with MPEP §201.11(III) and §1893.03(C), a new section has been inserted at the beginning of the specification reciting the priority claim.

In accordance with MPEP §608.01(a), headings have been inserted at the beginning of the Field of the Invention, Background of the Invention, Brief Summary of the Invention, and Detailed Description of Preferred Embodiments sections.

The field of the invention has been amended to expressly recite the fact that the invention is, in part, directed to a method of treatment. This amendment is supported by Applicants' specification at, for example, page 4, line 23 to page 11, line 3.

In accordance with MPEP §608.01(d), the summary of the invention on page 2 has been expanded. This text is supported by, Applicants' specification at, for example, page 3, lines 32-33; page 4, line 23 to page 11, line 3; and originally filed claims 1 and 6.

An abstract has been added to the end of the specification in accordance with MPEP §608.01(b). This abstract is consistent with the abstract on the cover page of the parent International Publication No. WO 2005/041950 and the amended Field of the Invention discussed above. Applicants have enclosed a copy of the abstract on a clean page in accordance with 37 C.F.R. §1.72.

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II. Claim Amendments

Claims 12-21 have been added. Thus, claims 1-21 are pending. Claims 1-11 have been amended. Applicants submit that the amendments and new claims do not introduce new matter. More specifically:

Claim 1 has been amended to expressly recite that more than one compound of formula (I) and/or salts thereof may be in the formulation. This amendment is supported by Applicants' specification at, for example, claim 6, as originally filed.

Claim 1 has been amended to expressly recite that R² and R³ are independently selected, *i.e.*, R² and R³ can be the same or different. This amendment is supported by Applicants' specification at, for example, page 3, lines 32-33, which recognizes that R² and R³ can be the same or different.

Claims 2 and 5-9 have been amended to expressly recite salts of the compounds of formula (I). This amendment is supported by Applicants' specification at, for example, page 2, line 33 to page 3, line 3; and originally filed claim 1.

Claims 6-11 have been converted from use-in-manufacturing claims to method-of-treatment claims. This amendment is supported by Applicants' specification at, for example, page 4, line 23 to page 11, line 3.

New claims 12-18 are supported by Applicants' specification at, for example, originally filed claims 3-5.

New claims 19 and 20 are supported by Applicants' specification at, for example, page 4, line 23 to page 11, line 3; and originally filed claims 8 and 9.

New claim 21 is supported by, for example, originally filed claim 6.

Other amendments rephrase the claims (*e.g.*, make the claim language more consistent), or correct grammatical or obvious errors. Applicants submit that such amendments are permissible under MPEP §2163.07.

Applicants reserve the right to pursue any canceled subject matter and/or any other subject matter disclosed in this application in one or more divisional and/or continuation applications.

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The Commissioner is hereby authorized to charge the \$50.00 fee under 37 C.F.R. §1.16(i) for the one claim in excess of twenty to Deposit Account No. **02-2334**. The Commissioner also is hereby authorized to charge any other fee that may be due in connection with this filing to Deposit Account No. **02-2334**. In addition, if there is ever any other fee deficiency or overpayment under 37 C.F.R. §1.16 or 1.17 in connection with this patent application, the Commissioner is hereby authorized to charge such deficiency or overpayment to Deposit Account No. **02-2334**.

Applicants submit that the pending claims are in condition for allowance, and request that this application be allowed. The Examiner is requested to call the Undersigned if any issues arise that can be addressed over the phone to expedite examination of this application.

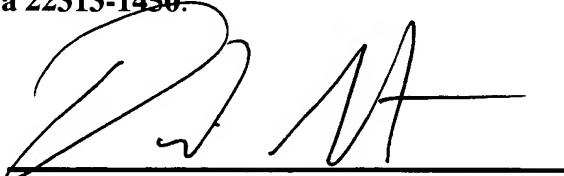
Respectfully submitted,



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CERTIFICATE OF MAILING UNDER 37 CFR §1.8

I certify that this correspondence is being deposited with the U.S. Postal Service on **April 26, 2006** with sufficient postage as first class mail to **Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450**.



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